

Amendments to the Drawings:

The attached formal drawing sheet for FIG. 5A is being submitted to replace the drawing for FIG. 5A currently on file. This replacement drawing includes the table of information and timestamp features recited in the claims. This formal drawing contains no new subject matter.

Attachment: One (1) Replacement Sheet (FIG. 5A).

REMARKS

Claims 1-29 are pending in the application. The claims were rejected in the last outstanding Office Action mailed August 28, 2006..

This Amendment is in response to the last outstanding Office Action, and it is being filed within the statutory period to reply which is no later than six months (February 28, 2007) from the mailing date of such Office Action. The Amendment is responsive within the meaning of 37 CFR 1.111 to the last outstanding Office action.

A Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 is being filed concurrently with the filing of this Amendment.

An initial Response under 37 C.F.R. 1.116 mailed October 26, 2006, was not entered pursuant to an Advisory Action mailed December 8, 2006, including being not entered for the purposes of appeal. The Advisory Action indicated that the proposed amendments in the initial '116 Response were not entered because they raised new issues that would require further consideration and/or search.

A supplemental Response under 37 C.F.R. 1.116 and Conditional Petition was mailed January 8, 2007, which reiterated the initial Response under 37 C.F.R. 1.116. No reply has been received to date from the USPTO.

A Notice of Appeal was mailed January 8, 2007. Prior to the due date for filing the Appeal Brief, the Appeal is being withdrawn concurrently with the filing of this Amendment and the Request for Continued Examination. See MPEP 1215.01.

Drawings Objection

The drawings were objected to in the last outstanding Office Action for failing to include the "table of information" and "timestamp" features recited in the claims. In response, submitted herewith is an amended replacement

version of FIG. 5A showing that the timestamp and table of tabs features are included as part of step 507 in replacement FIG. 5A.

Accordingly, the objection to the drawings has been addressed and its withdrawal is requested.

Specification Objection

The specification was objected to for including a typographical error in the word "comprises" in claim 28. In response, claim 28 is amended to correct the typographical error.

Accordingly, the objection to the drawings has been addressed and its withdrawal is requested.

The Amended Claims 1, 26, 27, 28, and 29

Claim 1 is amended to correct a typographical error that inadvertently included the previously added limitation "using a table of information and a timestamp" with the displaying step, when such limitation should have been included with the modifying step as in previously presented Claims 15, 21, and 22.

Claims 26, 27, and 29 are amended to add the limitation "using a table of information and a timestamp" as in previously presented Claims 15, 21, and 22.

Claim 28 is amended to correct a typographical error in the word "comprising".

Claim Rejections – 35 USC § 102

Claims 1-25, and 27-29 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,337,161 (Hube).

Claim 26 is rejected under 35 U.S.C. §103(a) as unpatentable over Hube in view of U.S. Patent No. 6,052,198 (Neuhard, et al.).

The Examiner's Position In Regard To Hube

The Examiner in interpreting Hube appears to take the position that in Hube, when a marker is modified it is also simultaneously saved as a file. Consequently, a time stamp indicating the exact time of such file-saving must be applied concurrently with the instant that the marker is modified. In other words,

the time stamp in addition to indicating the exact time of file-saving must also indicate the simultaneous time of modifying the marker. See, for example, the rejection of claim 15 on page 8 of the last outstanding Office Action.

Since there is no such teaching in Hube, the Examiner states that the teaching is inherent. See, for example, the rejection of claim 15 on page 8 of the last outstanding Office Action.

If the Examiner does not agree with this assessment of his position, he is requested to say so in the next Office Action and to further explain his position in order to better define the issue.

Hube does not teach, nor can it be inferred from Hube, that when a marker is modified it is also saved simultaneously as a file.

The Examiner in regard to the limitation of "modifying" a marker in the claimed invention refers to Hube at S52 in FIG. 12. However, in this connection, Hube does not teach, nor can it be inferred from Hube, that when a marker is modified it is also saved simultaneously as a file.

The time stamp that the Examiner says is inherent in Hube has no use in modifying a marker as in the claimed invention.

A time stamp that the Examiner says is inherent in Hube can only indicate the exact time of file-saving; it cannot indicate the exact time of modifying a marker since the respective times would not be simultaneous. For this reason, the time stamp has no use in modifying a marker as in the claimed invention.

Merely placing a timestamp on a file does not constitute modifying a marker using a timestamp as in the claimed invention.

Merely time stamping a file (such as when it is saved) does not constitute or give rise to using the timestamp when modifying a marker as in the claimed invention.

Hube does not teach modifying a marker as in the claimed invention.

In addition to the several reasons for patentability set forth above, Hube also does not teach or suggest modifying at least one marker as recited claims 1, 15, 21, 22, 26, 27, and 29. In this connection, the Examiner appears to be correlating a tab in Hube to a marker in the claimed invention. See the reference to Hube, step S52 in FIG. 12. However, step S52 in FIG. 12 of Hube pertains to outlining an image to be placed onto a tab, for which no other image

has previously been identified. See column 8, lines 29-31; column 8, lines 47-54; and column 9, lines 33 to column 10, line 31, in Hube. In particular, column 8, lines 29-31 are understood to state that if tab images are already on tab pages, then the job is ready for printing. Hube, beginning at column 8, line 47, then is understood to describe how a tab image can be extracted from any page in a document and inserted onto a tab image. The discussion beginning at column 9, line 33 is understood to describe that a user can outline an area of an image to be used as a tab image. FIG. 17 is probably the best example which shows an outlined area of an image 214 extracted from a page 226 and inserted onto a tab 219.

Although Hube is understood to describe how an image may be inserted onto a tab, it appears to be silent regarding subsequent modifications of such tabs. For at least this additional reason, Hube does not teach or suggest modifying a marker as in the claimed invention.

The Remaining Claims

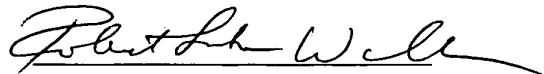
The remaining claims depend from one of the independent claims discussed above, and are submitted to be patentable for at least one of the reasons described above.

CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is in condition for allowance, a prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,



Attorney for Applicant(s)

Registration No. 30,700

Robert L. Walker
Telephone: 585-588-2739
Facsimile: 585-477-1148